



Conservation Unit

Private Bag X10, Claremont, 7735

Tel: 027-21-799-8824 Fax: 027-21-761-5983: Email: paisley@botanicalsociety.org.za

1 February 2007

Strategic Environmental Focus (Pty) Ltd
PO Box 74785
LYNWOOD RIDGE
0040

By fax

Attn: Mr Reuben Heydenrych
Fax: 012 349 1229

Dear Sir

**COMMENT ON BOTANICAL IMPACT ASSESSMENT FOR PROPOSED NEW ESKOM KUDU 400kV
POWERLINE FROM ORANJEMUND SUBSTATION TO JUNO SUBSTATION
(SEF PROJECT CODE 6041)**

Thank you for extending us the opportunity to comment on the botanical impact assessment for Eskom's Kudu Integration Project.

1. General

The report in question addresses the major biodiversity-related considerations raised by ourselves, and provides a sound basis for detailed assessment and planning.

We are not in a position to add any further information or interpretation to the botanist's findings (which are summarised on page 2 of the report), and we note the botanist's identification of preferred alternatives, viz. D, E or G, and a modification to E that would allow it to link to Alternative A. These alternatives would have to inform further refinement of route options, and any environmental assessment that would be necessary to ensure an informed decision.

2. Caveats

Three clear difficulties do arise at this stage, though, namely:

- (a) The potential abandonment of the entire project due to the pronounced botanical sensitivities, both locally and contextually, of the northernmost leg of the route (Oranjemund Substation to Gromis Substation) and the lack of an alternative alignment for this stretch;
- (b) Undertaking final selection of a route option from at least four, if not six, alternatives, that have been adequately assessed from a strategic planning perspective (effectively a botanical constraints' analysis, carried out at a scale of 1:250 000), but have not necessarily been assessed to a sufficient level of detail to allow accurate conclusions about actual impacts and their evaluation at a pylon and road-specific scale, as well as cumulatively. These limitations are clearly articulated under paragraph 3.2, 'Assumptions and limitations'; and
- (c) Whether the findings of the botanical report currently provide the competent authority with sufficient information to make an informed decision on the environmental implications of the proposed project without further investigation, or whether detailed surveys and impact assessments would be necessary in order to fill information gaps (i.e. as a continuation of the EIA process) to an acceptable level of confidence, or whether such surveys and impact assessments can legitimately be referred to the development of route and site-specific EMPS after authorisation.

Overall, it would appear that an authority decision cannot be justified at this stage - largely due to uncertainties that stem from the foregoing points, individually and collectively.

We do not know, for example, if there is an acceptable alternative to the Oranjemund-Gromis route. This is a significant area of uncertainty. Without an alternative alignment, and further planning and assessment, any decision about this stretch of the route would be procedurally flawed as it would not be based on an objective assessment of the relative environmental merits and demerits of two or more alternatives in an area of extraordinary conservation importance and vulnerability. Failure to identify and assess such alternatives would also mean that a decision is not necessarily based on the best practicable environmental option, which can hold significant negative implications for the conservation of a globally unique biodiversity.

Secondly, were the competent authority to be approached now for a decision - bearing in mind the uncertainties identified by the botanist - would such authority be satisfied that an 'informed' decision is possible, and could such a decision currently satisfy the relevant National Environmental Management Principles (such as the mitigation hierarchy and risk-averse and precautionary decision-making) were it to be challenged?

Thirdly, it is acknowledged that there is possibly a high degree of urgency attached to this project due to the need to secure a stable supply of electricity to the Western Cape, among others. If, speculatively, the competent authority believes it justifiable to 'short-cut' the prescribed EIA process, and issue a positive RoD without further, site-specific impact assessment (instead relegating such studies to the construction-phase EMP), this could expose such a decision to an appeal on the grounds that, firstly, the prescribed EIA process was being circumvented and, secondly, that the public was being denied an opportunity to comment on information that properly should inform an administrative decision. This is clearly in nobody's interest, but must be factored in as a potential risk.

There do not seem to be ready answers to these questions, and we certainly would not hazard any.

3. Recommendations

- (a) Under the circumstances, it would seem prudent to reconvene a sequel to the 'corridor workshop' that was held in May last year to further eliminate alternatives on the basis of environmental and technical parameters that have become apparent in the EIA phase. Consideration should be given to ensuring that a senior representative of the project proponent be present at such a meeting, as well as the Department of Environmental Affairs and Tourism, its Northern Cape and Western Cape counterparts, SANParks, Northern Cape nature conservation, and CapeNature.
- (b) In addition, it is suggested that the findings and recommendations of the Final Environmental Impact Report be submitted to independent review that reports *inter alia* on the issues raised under points 2(a) to (c) above and suggests a procedurally sound way for bringing this environmental process to efficient and acceptable conclusion.

Please do not hesitate the undersigned in the event of queries.

Yours sincerely,

CHARL DE VILLIERS (Signed)
Biodiversity in Environmental Assessment Project

cc	Dr Bruce McKenzie, BotSoc	docbruce@mweb.co.za
	The Director: Biodiversity, CapeNature	khamman@capenature.co.za
	Land-use Advisory Unit, CapeNature	landuse@cncjnk.wcape.gov.za
	Mr Tony Barnes, DEA&DP	anbarnes@pgwc.gov.za
	Mr Wynand Fourie	Wfourie@deat.gov.za